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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/383,481

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RIKU RIMPELA

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6634

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08/09/2005

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EXAMINER

YUN, EUGENE

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/383,481

**Applicant(s)**

RIMPELA ET AL.

**Examiner**

Eugene Yun

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-9 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honkasalo et al. (US 5,995,496) in view of Li (US 5,673,266) and Whitehead (US 6,157,616).

Referring to Claim 1, Honkasalo teaches a method for controlling the operation of a mobile station in a packet switched communication network based on a cellular network, which communication network is arranged to transfer information using downlink or uplink data transmission between a base station and at least one mobile station by means of a radio channel, comprising the step of:

using a transmission power on a set level on the radio channel to transfer information (see ABSTRACT).

Honkasalo does not teach transmitting information that is divided into successive blocks of the downlink data transmission from the base station to the mobile station on the radio channel, and wherein one of said blocks comprises information on the transmission power level of said one block of the downlink data transmission or another block of the downlink data transmission to be transmitted subsequently. Li teaches transmitting information that is divided into successive blocks of the downlink data

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transmission from the base station to the mobile station on the radio channel (see col. 2, lines 25-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Li to said method of Honkasalo in order to reduce processing load by the mobile station upon receiving the information.

The combination of Honkasalo and Li does not teach one of said blocks comprises information on the transmission power level of said one block of the downlink data transmission or another block of the downlink data transmission to be transmitted subsequently. Whitehead teaches one of said blocks comprises information on the transmission power level of said one block of the downlink data transmission or another block of the downlink data transmission to be transmitted subsequently (see col. 7, lines 59-67 and col. 8, lines 1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Whitehead to said method of Honkasalo in order simplify the system by reducing memory use.

Referring to Claim 8, Honkasalo teaches a communication system for implementing packet switched data transmission based on a cellular network, which communication system is arranged to transmit information using downlink or uplink data transmission between a base station and at least one mobile station by means of a radio channel, comprising:

means for arranging data transmission on the radio channel to take place with a transmission power on a set level (see ABSTRACT).

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Honkasalo does not teach means for arranging the radio channel to transmit information that is divided into successive blocks of the downlink data transmission from the base station to the mobile station, and means for also arranging the communication system to transmit one of said blocks containing information on the transmission power level of said one block or another block to be transmitted subsequently. Li teaches means for arranging the radio channel to transmit information that is divided into successive blocks of the downlink data transmission from the base station to the mobile station (see col. 2, lines 25-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Li to said method of Honkasalo in order to reduce processing load by the mobile station upon receiving the information.

The combination of Honkasalo and Li does not teach one of said blocks comprises information on the transmission power level of said one block of the downlink data transmission or another block to be transmitted subsequently. Whitehead teaches one of said blocks comprises information on the transmission power level of said one block of the downlink data transmission or another block to be transmitted subsequently (see col. 7, lines 59-67 and col. 8, lines 1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Whitehead to said method of Honkasalo in order simplify the system by reducing memory use.

Referring to Claim 9, Honkasalo teaches a wireless communication device, arranged to function in a communication system, which communication system is

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arranged to implement packet switched data transmission based on a cellular network, and which communication system is arranged to transmit information using downlink or uplink data transmission between a base station and said wireless communication device by means of a radio channel, comprising:

means for arranging data transmission on the radio channel to take place with a transmission power on a set level (see ABSTRACT).

Honkasalo does not teach means for arranging the radio channel to transmit information that is divided into successive blocks of the downlink data transmission from the base station to the wireless communication device, and means in the wireless communication device arranged to receive one of said blocks transmitted by the base station on the radio channel, which one block contains information on the transmission power level of said one block or another block to be transmitted subsequently. Li teaches means for arranging the radio channel to transmit information that is divided into successive blocks of the downlink data transmission from the base station to the wireless communication device (see col. 2, lines 25-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Li to said method of Honkasalo in order to reduce processing load by the mobile station upon receiving the information.

The combination of Honkasalo and Li does not teach one of said blocks comprises information on the transmission power level of said one block of the downlink data transmission or another block to be transmitted subsequently. Whitehead teaches one of said blocks comprises information on the transmission power level of said one block

of the downlink data transmission or another block to be transmitted subsequently (see col. 7, lines 59-67 and col. 8, lines 1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Whitehead to said method of Honkasalo in order simplify the system by reducing memory use.

Referring to Claim 2, Whitehead also teaches said one block comprising information on the transmission power level of another block to be transmitted next (see col. 7, lines 59-67 and col. 8, lines 1-11).

Referring to Claim 3, Honkasalo also teaches said one block comprising information on the transmission power level of said one block (see col. 8, lines 1-4).

Referring to Claim 6, Honkasalo also teaches said transmission power level indicated as a difference with respect to a known reference level (see col. 8, lines 25-32).

Referring to Claim 7, Honkasalo also teaches said known reference level as a BCCH channel according to the GPRS system (see col. 6, lines 40-53).

Referring to Claim 13, the combination of Honkasalo, Whitehead and Li does not teach the mobile station using the transmission power level information to determine if a change in a received signal is caused by the base station or an environmental change. Whitehead teaches the mobile station using the transmission power level information to determine if a change in a received signal is caused by the base station or an environmental change (see col. 6, lines 26-29 and lines 41-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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provide the teachings of Whitelead to said communications network of Honkasalo in order to reduce error in measurements so proper adjustments to equipment can be made.

Referring to Claim 14, Whitehead also teaches using the transmission power level information to adjust at least one parameter in the mobile station (see col. 6, lines 26-37).

Referring to Claim 15, Whitehead also teaches the parameter as timing, frequency, or amplification (see col. 6, lines 55-56).

Referring to Claim 16, Whitehead also teaches using the transmission power level information to adjust a reception level in the mobile station to a correct range (see col. 6, lines 26-29).

Referring to Claim 17, Whitehead also teaches adding the information on the transmission power level to the block when the block is transmitted (see col. 7, lines 59-67 and col. 8, lines 1-11).

Referring to Claim 18, Whitehead also teaches the information on the transmission power level determined on a transmission end of the radio channel (see fig. 6 and see col. 7, lines 59-67 and col. 8, lines 1-11).

Referring to Claim 19, Whitehead also teaches the information on the transmission power level is the transmission power level at the transmitting end of the radio channel (see col. 7, lines 59-67 and col. 8, lines 1-11).

Referring to Claim 20, Whitehead also teaches the one of said blocks including information on the transmission power level at the transmitting end of the radio channel (see col. 7, lines 59-67 and col. 8, lines 1-11).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honkasalo, Whitehead and Li in view of Hamalainen et al. (US 6,359,904).

Honkasalo teaches an RLC block according to the GPRS system used as said one block (see col. 11, lines 18-20). The combination of Honkasalo, Whitehead and Li does not teach the information on the transmission power level transmitted by means of an MAC header in the RLC block. Hamalainen teaches the information on the transmission power level transmitted by means of an MAC header in the RLC block (see col. 3, lines 65-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Hamalainen to said communications network of Honkasalo in order to reduce the use of too high power levels in a mobile station.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honkasalo, Li, Whitehead, and Hamalainen as applied to claim 1 above, and further in view of Turina (US 6,031,832).

Hamalainen teaches said transmissions power level indicated by means of bits contained in an octet of said MAC header (see col. 9, lines 23-38). The combination of Honkasalo, Li, Suzuki, and Hamalainen does not teach at least some of the bits being

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arranged for a TFI field in a way known as such. Turina teaches at least some of the bits being arranged for a TFI field in a way known as such (see col. 7, lines 48-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Hamalainen to said communications network of Honkasalo in order to reduce the use of too high power levels in a mobile station.

### ***Response to Arguments***

5. Applicant's arguments filed 6/17/2005 have been fully considered but they are not persuasive.

The applicant argues that the Honkasalo, Li and Whitehead references do not teach one of the blocks comprises information on the "transmission power level" of the downlink data transmission to be transmitted subsequently. The independent claims as currently presented (claim 1 for example) recite "....one of the blocks comprises information on the transmission power of **said one block** of the downlink data transmission **or** another block of the downlink data transmission to be transmitted subsequently." Since the claim stated that one of the blocks only had to comprise one of information on "the transmission power of said one block of the downlink data transmission" or "another block of the downlink data transmission to be transmitted subsequently", the examiner did not use the Whitehead reference to read on the limitation of one of the blocks comprising information on another block of the downlink

data transmission to be transmitted subsequently, but only the transmission power of said one block of the downlink data transmission.

Furthermore, the examiner believes that the Whitehead reference teaches that one of the blocks comprises information on the transmission power of **said one block** of the downlink data transmission. The examiner believes that this limitation means that the one block comprises information on the transmission power of **its own block**, which the Whitehead reference definitely teaches. Therefore, when the view of the examiner stated above is applied, the Whitehead reference teaches the limitation of "...one of the blocks comprises information on the transmission power of said one block of the downlink data transmission or another block of the downlink data transmission to be transmitted subsequently."

In addition, the Whitehead reference comprises RF/wireless communications as does the Honkasalo reference. A mobile station in a cellular network is not a unique patentable feature and thus, both of those reference can be combined even though the Whitehead reference refers to WLAN.

Referring to another argument, the limitation of "...successive blocks transmitted from the base station to the mobile station include information on the transmission power level of any block" stated in the argument (pg. 10) is not present in the claims. The examiners interpretation of the claims above also applies to this argument.

Finally, the applicant argues that "Whitehead discusses a carrier power level, which is included in packet. However, this is still not a packet power level or a block power level, as described and claimed by Applicant." The examiner does not see

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anything in the claims that differentiates the two. First of all, the claimed invention has the term "transmission power level" (claim 1) while the Whitehead reference has the term "transmit power level" (col. 7, line 61), which are almost identical in general meaning. Second, the examiner did not notice anything in the claims that would uniquely define the term "transmission power level".

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

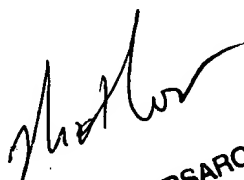
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EY

  
NICK CORSARO  
PRIMARY EXAMINER

  
Eugene Yun  
Examiner  
Art Unit 2682